

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES OFFICE OF THE COMMISSIONER

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Decision of Substantial New Information North Slope Areawide 2007 Oil and Gas Lease Sale Best Interest Finding

On February 16, 2007, the Alaska Department of Natural Resources (ADNR), Division of Oil and Gas (DO&G) issued a Call for New Information regarding a proposed re-offer of tracts that are not currently leased under the North Slope Areawide Oil and Gas Lease Sale. The purpose of a call is to provide an opportunity for interested parties to submit to DO&G substantial new information that has become available since issuance of the final best interest finding. DO&G issued the final finding for the North Slope Areawide on March 17, 1998 and supplemented that finding on August 15, 2000 and on July 24, 2002.

In response to the call, DO&G received one comment from the U.S. Fish and Wildlife Service (USFWS). USFWS outlined eight current and proposed studies the USFWS and the U.S. Geological Survey are undertaking in 2007 as part of a Status Assessment describing the current status of polar bears world-wide. The Assessment was developed in response to a petition requesting that the USFWS list polar bears as threatened under the Endangered Species Act, due to loss of sea ice habitat. The USFWS found there was sufficient evidence to warrant listing and prepared a proposed rule in January 2007; a final listing determination will be made in January 2008.

DNR has carefully considered the comments received in response to the Call for New Information, and finds that the information provided by the USFWS is substantial new information. However, until the USFWS decision regarding the polar bear listing is final, including any related requirements or guidelines issued by USFWS for activities in the region, it is premature to develop new mitigation measures or lessee advisories to supplement the areawide Best Interest Finding.

In the interim, the state advises oil and gas operators that, if polar bears are listed under the Endangered Species Act, section 7, consultation with the USFWS may be required prior to initiation of activities in the proposed lease sale areas. In addition, the state encourages lessees to participate in the USFWS Incidental Take program for nearshore and coastal exploration, development and production.

A person who is aggrieved by this decision may request the commissioner to reconsider the decision under AS 35.05.035(i) and (j). To be eligible an appellant must have meaningfully participated in the process by submitting written comments during the prescribed comment period. A request for reconsideration must be received by the Commissioner, Department of Natural Resources, 550 West 7th Avenue, Suite 1400, Anchorage, Alaska 99501, or received by fax to (907) 269-8918 by 5:00 p.m. (local time) on August 14, 2007. If the Commissioner fails to act on the request for reconsideration by August 24, 2007, the request is considered denied.

“Develop, Conserve, and Enhance Natural Resources for Present and Future Alaskans.”

A denial of a request for reconsideration is the final administrative decision for purposes of appeal to the Superior Court. A person may appeal to the Superior Court only if the person was eligible to request, and did request, an administrative reconsideration of this decision by the Commissioner. An appellant must initiate an appeal to the Superior Court within 30 days from the date of denial of reconsideration or from the date of distribution of the denial decision, in accordance with the rules of court and to the extent permitted by applicable law.



Thomas E. Irwin
Commissioner